

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

PAULA PURLEY,  
  
Plaintiff,

v.

No. CIV-14-0895 MV/LAM

CAROLYN W. COLVIN, Acting Commissioner  
of the Social Security Administration,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS  
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Lourdes A. Martínez' *Proposed Findings and Recommended Disposition* (Doc. 37) filed on August 15, 2016, which recommended granting Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support* (Doc. 31). No party has filed objections to the *Proposed Findings and Recommended Disposition* (Doc. 37) and the deadline for filing objections has passed. The Court has determined that it will adopt the *Proposed Findings and Recommended Disposition* (Doc. 37) and grant Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support* (Doc. 31).


IT IS THEREFORE ORDERED that the *Proposed Findings and Recommended Disposition* (Doc. 37) are ADOPTED by the Court.

IT IS FURTHER ORDERED that Plaintiff's *Motion for Attorney Fees Pursuant to the Equal Access to Justice Act, With Memorandum in Support* (Doc. 31) is GRANTED and Plaintiff is authorized to receive \$6,954.00 in attorney fees for payment to Plaintiff's attorney for

services before this Court, as permitted by the Equal Access to Justice Act, 28 U.S.C. § 2412, and in accordance with *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007).

**IT IS FURTHER ORDERED** that, if Plaintiff's counsel is ultimately granted attorney fees pursuant to 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's attorney shall refund the smaller award to Plaintiff pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 596 n.4 (2010) (explaining that, if a claimant's counsel is ultimately granted attorney fees under § 406(b) out of the claimant's benefit award, the claimant's attorney must refund to the claimant the amount of the smaller fee).

**IT IS SO ORDERED.**

  
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HONORABLE MARTHA VÁZQUEZ  
UNITED STATES DISTRICT JUDGE